3/23/71

Mr. Richard G. Kleindienst
Deputy Attorney General
U. .Department of Justice
Washington, D.C. 20530

Dear Mr. Kleindienst,

During an earlier absence, several long-overdue communications arrived from your office. Prior to having to leave again I was able to make partial response. This is to respond to your letter of March 15 and that of your assistant, Mr. Fines, of March 15, said, respectively, to be in response to my letters of January 4 and December 12.

I think this is true of neither letter, and I again protest the thinnest transparency by which you persist in violation of both my rights under the law and the law itself.

What I asked you is this:

"I write to ask if you can make available lists of what your Department has ~~xxxxxxxx~~ released. I presume you maintained lists of what you withheld and of those you released and that this will present no serious problem to you."

As you know, I am not a lawyer. But as I think you may also have surmised, I have been forced to some research into the law and its legislative history and the congressional intent. It is my impression that the maintenance and making available of such lists is required. Even if it is not, it is outrageous that you would pretend otherwise, and I will welcome a challenge from you to test precisely this point in federal court, since there seems to be no other way of ever getting any compliance with the law from an authoritarian-minded administration bent on suppression even when it has no need for it. The law imposes the burden of requesting "identifiable" public information upon citizens making the request. It does not grant the right to make identification impossible to the government.

So that you may better understand what is involved, the Archives filled one of my requests automatically, or so made it appear. This was for precisely what you, personally, had denied me on the entirely spurious ground that what I asked is "investigatory files compiled for law-enforcement purposes", which was ~~never~~ never true. While you were denying me this request and while the honorable Attorney General was supporting your denial, you were simultaneously declassifying at least a major part of what I had asked. And with consummate guile, the Archives sent me what it pretend was all that you had declassified on David Ferrie. Because I knew this could not be the case, the first page disclosed what had been declassified and **not** sent me in response to a request then at least four years old and often repeated.

Moreover, the Archives lists are of notorious inaccuracy, and it is not possible to work with exactness from them. And, in addition, the law requires that the request be made of the agency of primary interest, which is the agency of origin, or you. Over and above all this, the Archives has supplied lists, whether or not meaningful, of only what it designates as "numbered files". There are extensive files not of this description.

For these and other reasons I ask that you honor this request, and that if you do not within a reasonable time, that you forward it to the Attorney General as my appeal, thereafter, if in a reasonable time I have had no response from him, if it is at all possible I will test in court whether you have not waived your rights under the law by so inordinate and entirely unnecessary a delay in making even a frivolous response when the law requires.

in the official interpretation of your own Department, "promptness". The same source dictates that no bureaucratic obstacles be placed in the path of applicants.

The disgraceful falsehood in your words "is not one of obtaining information under the Freedom of Information Act" ought be enough to make even you ashamed. There is no other purpose and no other conceivable purpose for this request, aside from the fact that such lists are, as I read the law and regulations, required to be public. If there is anyone in the entire world who by now ought know my intent it is you or whoever handles your mail on this subject.

If you will read Mr. Finan' letter of March 15 to me, you will find in it no description of the information I sought. The law requires that I describe what I seek and there is no doubt I did. Since I find no letter from me to you dated December 12, I am entirely unable to comply with his request and I am forced to do it with gibberish, which is enclosed in the form of duly-executed DJ-118 forms with all I can say on them.

Now I must again call to your attention the falsehood in his letter, which is but another of your cheap devices for interfering with and frustrating research in public information. It is entirely false for him to write, "...it is necessary that you complete the enclosed Form DJ-118 in detail". You have the right to demand this of me, but it is not, as a matter of law "necessary" to my request, as you yourself know and from your own personal practice with me when you wanted me to have something for which I asked. I am quite confident that most requests made for information of your Department are not made with such forms duly executed by the press.

By now another thing should be beginning to dawn upon you. That is, whatever you do to impede my research will be duly recorded, making a record you and the government will in some fashion have to live with and that at some point may become a matter of interest, now or in the future. I could not abide living with the federal record of deceipt, falsehood, perjury that remains undenied, and outright suppression, most of all when the subject of research is political assassination and of those, mostly with that of a President. If it is exhausting for me to have to waste the time you contrive to waste for me, I will find that time, somehow, and I will make this record, and if I have to do it entirely alone, to the degree I can I will carry each case to court. Someday I just may get before a judge who will take a dim view of this deeply subversive conduct, of the crimes I allege and believe I can prove. And someday I may be able to call the appropriate witnesses and subject them to proper questioning, to the degree to which I am capable of it.

Sincerely,

Harold Weisberg

P.S. Your Mr. Finan says, "I am sorry for the delay in responding to your letter." Frankly, I don't believe it. I believe, from the record, that it was deliberate. If it was not, and with the above-cited requirement of "promptness" under the law, I ask for an explanation of why it took him, speaking for you, three long months to express this "sorrow".